

STATE OF SOUTH CAROLINA

(Caption of Case)

Request of South Carolinians Against
Monetary Abuse (SCAMA) and
Leslie MinerD to Direct SCE&G to Show
Baseload Review Act (BLRA) Nuclear
Debacle Charge on Monthly Electric Bill

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2017 - 346 - E

(Please type or print)

Submitted by: Leslie MinerD/SCAMA

SC Bar Number: _____

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DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input checked="" type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input checked="" type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

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BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET 2017-346-E

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COMMISSION

In Re:

Request of South Carolinians Against)	
Monetary Abuse (SCAMA) and)	
Leslie Miner to Direct SCE&G to Show)	OPPOSITION TO SCE&G'S "MOTION TO
Baseload Review Act (BLRA) Nuclear)	DISMISS" AND RESPONSE TO SCE&G'S
Debacle Charge on Monthly Electric Bill)	"ANSWER" TO REQUEST

Introduction

Contained herein for your consideration are comments and a response by me, Leslie Miner, to SCE&G's "Motion to Dismiss, Grant Judgement on the Pleadings, and Hold Testimony Filing Dates in Abeyance" and to SCE&G's "Answer of South Carolina Electric & Gas Company," both dated December 29, 2017. Both the "motion" and "answer" contain factual errors, incorrect assumptions and disregard the key matter at hand: **Will SCE&G voluntarily act in the best interest of this aggrieved customer - or be directed to act - and list the Baseload Review Act (BLRA) charge for its nuclear construction fiasco on the monthly bill? So far, SCE&G stands staunchly in opposition to this just and reasonable proposal, thus leaving the controversial charge hidden and unknown.**

Of paramount importance in this matter are three things: 1) SCE&G, in its response filings, does not deny the fact that the Baseload Review Act (BLRA) charge - which I refer to as the "Nuclear Construction Cost" - for the V.C. Summer nuclear debacle is not shown on the monthly bill. No amount of clamoring or protest by SCE&G hides the fact that this is the case. I, an SCE&G customer, cannot know my monthly BLRA charge by looking at an SCE&G bill nor can it accurately be determined via basic research. 2) Legal remedy exists for the PSC to require placement of the nuclear debacle charge on the bill, and 3) Until such time as the charge appears on the bill I will remain repetitively harmed and the remedy sought will be avoided.

The "motion" and "answer" starkly reveal that SCE&G does not want to inform me (or its customers) of the amount I'm paying for the nuclear debacle, an amount which has caused and continues to cause financial harm to me. SCE&G has thus gone on record against openness and transparency as it pertains to the monthly charge by which I am now aggrieved and for which I will never receive any electricity or anything else of value. Likewise, as I operate a small

business that is a customer of SCE&G, I am aggrieved on not only a personal level but also on a business level. Why SCE&G is hiding the amount of the BLRA charge from this paying customer is unknown and must be fully examined in a public hearing.

SCE&G's unfortunate, anti-customer position has now visibly become a matter of public record at a time when the company is under fire from all corners in desperate need of taking positive steps to show good will. The matter is thus left in the hands of the Public Service Commission, the Office of Regulatory Staff and the legislature if SCE&G continues to fail to post the excessive, unjust BLRA charge on the bill.

In summary, I request that the PSC not grant the "motion to dismiss" by the defendant/respondent, allow my *pro se* filing to stand and move to a hearing on this important matter. The issue of the BLRA charge is of highest concern and the request should proceed to a public hearing, especially as SCE&G has made no case that posting the BLRA charge on the bill would either be an inconvenience, would cause any form of harm to the company or could not be done through the existing regulatory and legal framework. The easiest solution remains for SCE&G to voluntarily place the charge on the bill but the company has dodged this simple alternative and is choosing a course that unfortunately results in unnecessary waste of PSC staff time and resources.

Restating the Facts of My Request

Pertaining to SCE&G's motion, page 1, item (2), neither I nor SCAMA have acted on "behalf of" the pool of SCE&G customers but I recognize that approval of my request would result in the best interest of both myself and residential and business customers.

I have filed the request as allowed under PSC regulations as a *pro se* litigant. According to the PSC's *PRO SE LITIGANT GUIDE*, "A *pro se* litigant is someone who decides to represent himself or herself before the Public Service Commission ("Commission") without the assistance of a trained and licensed attorney." I am not an attorney, do not have assistance of an attorney and have never in any way made a claim to be an attorney or that I am practicing law. Any assertion to the contrary is ludicrous yet is the main thrust of SCE&G's effort against proceedings that would result in placement of the BLRA charge on my bill. By my *pro se* filing, I am exercising the right granted to me to do so and have not sought any legal privileges beyond that and have made no claims beyond my *pro se* status. Despite SCE&G's motion that my request be denied, it is my understanding that I have met the requirements for a *pro se* filing.

I have also filed my *pro se* request on behalf of South Carolinians Against Monetary Abuse (SCAMA), which is a Facebook presence started by me on April 13, 2017. I control the Facebook page and can continue it or terminate it as I alone wish, though others can post on the page. I established the FB page once it was clear that the V.C. Summer nuclear project was on a rapid termination track and I wanted a vehicle through which to communicate information of public

interest and importance about the project and its demise. (For the record, the Facebook URL is <https://www.facebook.com/affordableenergyforsc/> and does not contain the words South Carolinians Against Monetary Abuse or SCAMA in it).

All documents produced in association with the SCAMA Facebook presence were prepared, directed and/or paid for by me. Likewise, the email address - scamabama@gmail.com - associated with SCAMA was set up and is owned by me. As the SCAMA Facebook page was solely my creation and under my control and direction, I have sought SCAMA to be part of my individual *pro se* request. SCE&G has failed to produce facts contrary to the above. I also note, given the key role of Facebook, Inc. in the creation and internet presence of SCAMA, that no claims are made concerning Facebook's facilitation of the SCAMA Facebook presence.

Actual BLRA Charge is Unknown, Held Secret by SCE&G

In its filings, SCE&G has not denied that it is striving to keep the BLRA charge off the monthly bill. Through its filed documents it is revealed that the company will go to great lengths to keep the size of the charge hidden from me. The reasons for this evasive action are unknown by me.

I remain an aggrieved party by SCE&G's refusal to post the BLRA charge on my monthly SCE&G power bill. That I was able to find a document by the Office of Regulatory Staff which indicates a customer using 1000 kWh per month is paying 18.32% of the bill for the BLRA charge (as of February 22, 2017) does not indicate that I know what my specific BLRA charge is now or in the future or that I have the ability or knowledge to calculate what the exact charge is in my case. In fact, I do not know what the BLRA charge is to me on a monthly basis and have no idea what it will be in the future as the harm continues. Calculation of the BLRA charge is made nearly impossible for a customer like me as I do not know all the factors that go into its calculation, including such things as other rate fluctuations and fuel cost adjustments. SCE&G has made no argument in its filings that I know the current charge or will know in the future my exact BLRA charge, which is the remedy sought in my emergency petition.

Any BLRA charge to me results in a negative financial impact to me, for which I receive no good or service. Refusal to address the matter I request will result in further aggrievement as the behavior on the part of the defendant is capable of repetition and will only be rendered moot if the nuclear debacle charge is permanently placed on the bill via SCE&G or PSC action. The inclusion in the bill of an insert informing me about a specific, single BLRA rate hike and not the sum of financial impact of nine BLRA rate hikes to date does not satisfy my request.

To compound the confusion, former SCANA CEO Kevin Marsh, when testifying before the South Carolina Senate's V.C. Summer Nuclear Project Review Committee on September 18, 2017, said that the nine BLRA rate hikes were "all together, I believe, it's approximately 20%." (in archived video, at 2 h 29 m) It was not explained where the 20% figure came from, if it's accurate or why it deviates from the ORS figure. I understand that the PSC may well want to examine this conflict in SCE&G and ORS figures in the hearing that I am seeking on the matter of the BLRA

charge. In any event, the exact amount of the BLRA charge and how it is calculated is not known by me, thus compounding the repetitive, continuous aggrievement and repetitive harm to me.

While the PSC denied a request in 2012 to direct SCE&G to place the BLRA charge on the bill, circumstances have changed significantly since then and that decision warrants reconsideration, which is within the rights and authority of the PSC. The cost of the bugled project has increased dramatically and was terminated on July 31, 2017, resulting in a vastly different situation than was presented by SCE&G in 2012. I am now faced with paying for part of a \$5 billion debt incurred by SCE&G and for which I will never receive any benefit, a drastic change from the situation in 2012 when SCE&G promised that the reactors would be completed and operated. The current situation and the uproar at SCE&G's costly nuclear fiasco underscore that the prior ruling by necessity is ripe to be revisited, and the PSC has the full legal right to do so.

SCE&G made clear in a November 16, 2017 news release - *SCE&G Proposes \$4.8 Billion Solution To Replace New Nuclear Project* - that the company intends to maintain a BLRA charge on the bill for an extended period of time. Likewise, in a presentation on January 3, 2018, Dominion Energy, interested buyer of SCANA, stated in a presentation entitled *Combination of Dominion Energy and SCANA* that it intends to charge 13% of the SCE&G bill for the nuclear project for 20 years. Thus, the matter will remain of ongoing concern to me and would not be rendered moot in any future filings with the PSC by SCE&G, including if the Dominion proposal were to withstand scrutiny and go into effect.

PSC Authority in Ruling that BLRA Charge to be Shown on Bill is Not Constrained

SCE&G is attempting to constrain the PSC and the laws and regulations that govern it by stating that the PSC cannot revisit a prior decision. In fact, SCE&G itself has continually asked for new rulings under the Baseload Review Act. This is an admission that circumstances with the project changed over time and were subject to new review, per SCE&G's requests. After all its costly efforts, the result was that the company was out of compliance with the BLRA. Nothing I am asking for is contrary to any law governing the PSC or what is stipulated by law to appear on the SCE&G bill. Nor does the BLRA constrain the PSC on this matter.

In making an argument that additional items can be required to be placed on the monthly bill, SCE&G is seeking to deny the PSC's right to determine orders it may issue in regard to this matter. PSC regulations and current law - 26 S.C. Code Ann. Regs. 103-339(2) - dictate what "shall" be placed on the bill. I reiterate that the law, as I understand it, does not constrain the PSC, as an agent of the legislature, in any additional requirement it might make in this regard.

SCE&G has incorrectly stated that I believe that the only vehicle through which change to what appears on the bill must be through rulemaking. This is factually inaccurate. I have stated that the PSC and/or ORS could direct the charge to be shown on the bill through amended orders in BLRA determinations. This could take place via amended orders to the annual BLRA rate hike of 2016 (Order 2016-758) or the last cost overrun docket (Order 2016-794), also in 2016. SCE&G

has presented no valid argument that the PSC lacks the discretion to amend earlier orders or decisions, especially when significant new information is revealed, when circumstances significantly change (as is the case with the nuclear project) or when appropriate requests are made by the company or impacted stakeholders.

Order 2016-758 clearly implies (in number 8, page 6) that the BLRA charge must be assessed: "SCE&G shall file a schedule showing the revenue produced by each and every tariffed rate approved by the Commission and reconcile the revenue produced, by each tariffed rate, to the revenue requirement approved in this Order." The simple remedy I am seeking would be for this summary of "each and every" BLRA rate charge to be summarized on my bill in a line item, as could be directed by "further order of the Commission." The PSC could order this without a hearing.

In Public Service Commission regulations (Chapter 103–339. Customer Billing), the legally required items that the utility "bill shall show" are likewise stated. There is no constraint or exclusion in the regulations regarding placement of the BLRA charge on the bill. Additionally, under Chapter 103–301(3), the PSC may waive rules or regulations where appropriate if "waiver is not contrary to the public interest." Clearly, if there were to be construed any regulatory constraint in requiring placement of the BLRA charge on the bill, which is not the case, the PSC could waive such regulation if it deem such action appropriate.

Motivation of SCE&G to Keep BLRA Charge Off the Bill is Unknown, Merits Full Review

Finally, I affirm that I have no information regarding why SCE&G has vigorously protested posting the BLRA charge on the bill, either in 2012 or now. As I am not privy to how the company calculates the BLRA portion of my bill I do not know if there is any sinister reason for the charge being left off the bill. As ORS has only published an amount (18.32%) for the BLRA charge for a customer using 1000 kWh per month, I have no information at my disposal if the company agrees with this calculation or if the company is actually charging me that amount or an amount higher or lower. As SCE&G has refused to inform me of my BLRA charge, I am thus seeking through my request and the subsequent hearing to become fully informed about the BLRA amount I am now paying and will possibly pay in the future.

I remain convinced that this customer of SCE&G deserves no less than customers of Georgia Power, who can see a "Nuclear Construction Cost Recovery" line-item charge on their monthly bill to pay for the \$25 billion Vogtle project, a twin project to the terminated V.C. Summer project. (See Georgia Power bills attached to initial filing of my emergency petition.) SCE&G does not deny that Georgia Power customers are informed on their bill of the nuclear charge. SCE&G has not offered any explanation as to why its customers are treated in a lesser manner than customers of Georgia Power or why SCE&G wants to keep me ignorant of the BLRA amount. I only seek just and reasonable treatment by SCE&G, just as that afforded by Georgia Power to its customers.

CONCLUSIONS

As the BLRA charge - Nuclear Construction Cost - is not shown on the bill and as the reasons for that are unknown and that placing the charge on the bill is legal and would benefit at least one aggrieved SCE&G customer and not harm SCE&G, a hearing should be held to address a remedy to this situation. Thus, lacking voluntarily compliance by SCE&G or a PSC ruling under its own legal initiative and not knowing how the South Carolina legislature will address the uniformly repudiated BLRA, the Commission should rule against SCE&G's "motion to dismiss" my complaint and allow the matter to proceed to a public hearing.

Due to the time delay involved in the PSC's consideration of both SCE&G's motion to dismiss and this challenge to that motion, I request that the schedule for testimony filings again be adjusted.

Respectfully submitted,

On behalf of Myself, South Carolinians
Against Monetary Abuse (SCAMA)

By: Leslie Miner
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January 8, 2018
Columbia, South Carolina

BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET 2017-346-E

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CERTIFICATE OF SERVICE

I hereby certify that I have filed my comments and response to SCE&G's "Motion to Dismiss" and "Answer of South Carolina Electric & Gas Company" in person on January 8, 2017 with the Public Service Commission of South Carolina. Likewise, on January 8, 2017, I have sent my response via the US Postal Service to these parties to this matter:

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 Office of Regulatory Staff
 1401 Main Street, Suite 900
 Columbia, SC 29201

Chad Burgess, Esquire
 South Carolina Electric & Gas
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 Cayce, SC 29033-3701

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January 8, 2018
 Columbia, South Carolina

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